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EXAMINER	
FRANKLIN, JAMARA ALZAIDA	
ART UNIT	**PAPER NUMBER**
2876	

NOTIFICATION DATE	DELIVERY MODE
01/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/729,584	TUTTLE ET AL.	
	Examiner	Art Unit	
	JAMARA A. FRANKLIN	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17-32 and 64-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-15,17-32 and 64-70* is/are allowed.

6)☒ Claim(s) *72-81* is/are rejected.

7)☒ Claim(s) *71* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/09/09; 10/13/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment is made of the response filed 6/09/09. Claims 1-15, 17-32, and 64-81 are currently pending.

Claim Objections

1. Claims 71 and 78 are objected to because of the following informalities:

in claim 71, line 1, substitute "system" with --device--;

in claim 78, line 7, insert --having-- between "sheet" and "a"; and

in claim 78, line 15, delete "convenient".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 72-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castrucci (US 3,702,464) in view of McDermott et al. (US 3,660,916) (hereinafter referred to as McDermott).

Castrucci teaches

regarding claim 72, a system comprising:

a passive radio frequency identification (RFID) device (card 1), the device affixed to a respective article to track the article, wherein the device comprises:

a first thin polymer film (cover sheet 3) having a dipole antenna disposed over a first surface of the first film, wherein the first surface comprises an outer boundary (edge of cover sheet 3) (see figure 1);

a second thin layer (layer 2) of material having a second surface laminated directly to the outer boundary; and

an integrated circuit (chip 7) coupled to the antenna and including memory storing a code, a receiver to receive data from an RF signal in the range of 800MHz to 8GHz, control logic to use the code and the data to determine if a response is appropriate, and a transmitter to communicate the response if the control logic determines the response is appropriate; and

a remote source to provide RF charging signals to power the devices (col. 3, lines 42-46);

regarding claim 78, a system comprising:

a radio frequency identification (RFID) device (card 1) comprising:

a respective first sheet (cover sheet 3) having a respective first surface on which a respective first dipole antenna (conductive strips 10) is disposed;

a respective second sheet (layer 2) having a respective second surface laminated to a portion of the respective first surface;

a respective integrated circuit (chip 7) coupled to the respective antenna and including respective memory configured to store a respective value, a respective receiver configured to

receive a wireless signal from an interrogator at a frequency of 800MHz to 8GHz, and a respective transmitter to communicate the respective value to the interrogator;

the systems wherein only two respective terminals connect off-chip elements to the respective integrated circuit (figure 3);

the system of claim 78 further comprising an apparatus to provide an RF signal to remotely power the devices.

Castrucci lacks the teaching of a plurality of devices and a plurality of devices removably adhered to a roll of backing material.

McDermott teaches

a roll of backing material;

a plurality of devices removably adhered to the roll of backing material; and

a dispenser to hold the roll and to provided dispensing of the individual ones of the RFID devices (col. 2, line 69-col. 3, line 1 and figure 4); and

the system wherein each of the devices comprises a respective printable (col. 2, lines 58-64);

the system wherein each devices comprises a respective bar code (col. 2, lines 58-64).

One of ordinary skill in the art would have readily recognized that providing the Castrucci invention with a plurality of devices would have been beneficial for ensuring that any number of articles needing tracking for inventory purposes may be have a tag containing information relevant to an associated article. Furthermore, one of ordinary skill in the art would have readily recognized that providing the Castrucci invention with a plurality of devices removably adhered to a roll of backing material would have been beneficial for allowing easy

access to the devices while maintaining the devices in a compact storage fashion. Therefore it would have been obvious at the time the invention was made to modify the teachings of Castrucci with the aforementioned teaching of McDermott.

Allowable Subject Matter

4. Claims 1-15, 17-32, and 64-71 are allowable over prior art.

5. The following is a statement of reasons for the indication of allowable subject matter:

although art is known which discusses data storing devices having an integrated circuit and a conductor supported on a housing portion, the prior art of record fails to teach or fairly suggest either alone or in combination thereof:

regarding claim 1, a data storing device comprising:

a housing including first and second opposed portions;

an integrated circuit coupled to the first portion;

a battery supported by the first portion and having first and second terminals, the first terminal being coupled to the integrated circuit; and

connection circuitry coupling the second terminal of a battery to the integrated circuit to complete a circuit, the connection circuitry including a conductor supported by the second portion of the housing and movable with the second portion of the housing;

regarding claim 7, a data storing device wherein the first and second housing portions enclose and hermetically seal the integrated circuit and the battery when the first and second housing portions are in the mated position;

regarding claims 19 and 25, a portable data storing device wherein a conductor completes a circuit and supplies electrical power to an integrated circuit when the first and second portions of the housing are sealed together and does not complete the circuit or supply the electrical power to the integrated circuit when the first and second portions are not sealed together;

regarding claim 23, a portable data storage device comprising:

a first battery disposed between first and second housing members, a first electrode of the first battery contacting a first power conductor on the first housing member;

a second battery disposed between the first and second housing members, a first electrode of the second battery contacting a second power conductor on the first housing member; and

an integrated circuit disposed on a side of the first housing member configured to be mated to the second housing member; and

regarding claim 26, a passive radio frequency identification device comprising:

a first flexible film having a peripheral portion;

a second flexible film laminated directly to the peripheral portion of the first flexible film;

a first dipole antenna disposed directly on the first film; and

a single integrated circuit having substantially all circuitry formed on a surface of the integrated circuit facing the first film, the integrated circuit being coupled to the first dipole antenna and including memory, a receiver, control logic, and a transmitter; and

regarding claim 65, a passive radio frequency identification device comprising:

a first flexible plastic film having a first surface upon which a first dipole antenna is directly disposed, wherein the first surface comprises a peripheral region at least partially surrounding the first antenna;

a second flexible material having a second surface laminated directly to the peripheral region of the first surface; and

a single integrated circuit coupled to the first antenna and including memory, a receiver, control logic, and a transmitter.

Response to Arguments

6. Regarding the restriction requirement as presented in the office action of paper no. 20090407, the requirement has been withdrawn and claim 1-15, 17-32, and 64-81 have been considered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

December 18, 2009
JAF